

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Damon Shawn Lloyd,)	
)	
Petitioner,)	Case No. 1:15-CV-485
)	
vs.)	
)	
Warden, Chillicothe)	
Correctional Institution,)	
)	
Respondent.)	

ORDER

Petitioner's objections to Magistrate Judge Wehrman's Report and Recommendation are not well-taken and are **OVERRULED**. On de novo review of the pleadings, briefs, and the report, Fed. R. Civ. P. 72(b), the Court finds that Judge Wehrman correctly concluded that Petitioner has filed a second or successive petition for a writ of habeas corpus that must be transferred to the Sixth Circuit Court of Appeals for approval to consider it. To the extent the current petition seeks relief for errors allegedly committed in Petitioner's state post-conviction relief proceedings, those claims are not cognizable in § 2254 proceedings. Alley v. Bell, 307 F.3d 380, 386-87 (6th Cir. 2002).

IT IS THEREFORE ORDERED THAT:

1. Petitioner's objections to Magistrate Judge Wehrman's Report and Recommendation (Doc No. 19) are not well-taken and are **OVERRULED**.
2. The Court **ADOPTS** the Report and Recommendation. Doc. No. 17. Respondent's motion to transfer second or successive habeas petition to the Court of Appeals (Doc. No. 9) is well-taken and is **GRANTED**.

3. Petitioner's petition for a writ of habeas corpus (Doc. No. 4) is **TRANSFERRED** pursuant to 28 U.S.C. § 1631 to the United States Court of Appeals for the Sixth Circuit for consideration of whether the District Court may review the motion in accordance with 28 U.S.C. §§ 2244(b) and 2254.

4. A certificate of appealability shall not issue on the matters raised herein. See 28 U.S.C.A. § 2253(c); Fed. R. App. P.22(b). Petitioner remains free to request issuance of the certificate of appealability from the Court of Appeals. Id.

5. The Court certifies pursuant to 28 U.S.C.A. § 1915(a)(3) that an appeal of this order would not be taken in good faith, and therefore **DENIES** Petitioner leave to appeal in forma pauperis. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

Date March 22, 2016

s/Sandra S. Beckwith
Sandra S. Beckwith
Senior United States District Judge